

REMARKS

In response to the restriction requirement issued September 30, 2002 in the above-referenced patent application, Applicants elect for prosecution the invention of Group I, drawn to a virus genome that encodes an RNA-dependent polymerase and a modified *pol* gene. The claims of Group II (16-21, 25-30) and Group III (22-24) have been canceled as drawn to a non-elected invention. Applicants reserve the right to prosecute the claims of the non-elected invention in one or more continuing applications.

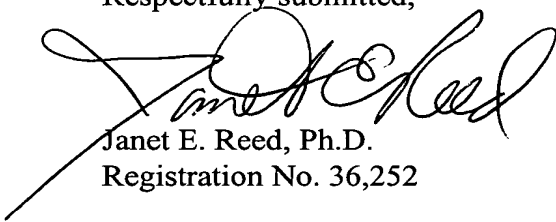
If the Group I invention is elected, the examiner has issued an apparent second and third tier restriction requirement of, respectively, (A) RNA polymerase, claims 2, 10, (B) DNA polymerase (claim 6), followed by (i) enterovirus genome, claim 3, (ii) cocksackievirus genome, claims 4, 5, (iii) poliovirus, claim 3, (iv) polio-like virus, claim 3, (v) echovirus, claim 3, (vi) HIV, claim 7, (vii) HTLV, claim 7, (viii) ASLV, claim 7, (ix) FeLV, claim 7, (x) BIV, claim 7, and (xi) ELAV, claim 7. Applicants traverse these restriction requirements and submit that these should be characterized as requirements for election of species. The RNA polymerase and DNA polymerase of claims 2, 10 and 6, respectively, are clearly species covered by claim 1. If the generic claim is allowed, Applicants should be entitled to patent coverage on both RNA and DNA polymerases, even though only one of the two species is elected for further examination at this time. Likewise, the specific viral genomes of claims 3-5 are species of RNA polymerase-containing viruses of claims 2 and 10, and those of claim 7

are species of DNA polymerase-containing viruses of claim 6. Accordingly, upon allowance of claims 2 and 10, or 6, respectively, Applicants should be entitled to patent coverage on all recited species of viral genomes, even though only one of the species is elected for further examination at this time. Accordingly, Applicants request that the foregoing restriction requirement be re-characterized as a requirement for election of species.

In order to be fully responsive to the Action, Applicants elect the following for further examination: (A) RNA polymerase; and (i) enterovirus genome. This election is made on the understanding that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,



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PATENT

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 16-30 have been canceled.